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09/181,658	10/29/1998	PATRICK SAVAGE	CIT10113	1156

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EXAMINER

KANOF, PEDRO R

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUN 30 2003

GROUP 3000

Paper No. 26

Application Number: 09/181,658

Filing Date: October 29, 1998

Appellant(s): Savage et al.

John M. Harrington

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on April 4, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on March 15, 2002 has not been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1, 4, 9-16, 19-22, 32-35, and 38-41; 5, 6, 17, 18, 23-31, 36, 37, and 42-49; and 54-57 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Seville "Convergent Billing & Customer Care", A
Telecommunications Industry White Paper, Spring 1997.

6,049,786

Somorodinsky

4-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the

differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 9-16, 19-22, 32-35, 38-41 and 51-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saville (Defining the Convergent Billing Marketplace, Spring 1997).

Claims 1 and 50: Saville discloses a method and a system for combined billing for at least one customer on a plurality of customer accounts, comprising:

receiving account data for the plurality of customer accounts electronically from time-to-time by a service provider from each of a plurality of billers (capturing customer-generated events, page 1, lines 19-20);

automatically calculating account charges for the plurality of customer accounts from the account data (calculating the bills, page 1, line 20);

aggregating the account charges for at least one customer on a plurality of customer accounts ("combined power, light and telephone services...", page 3, lines 13-17 and page 2, lines 8 and 9, and "The first challenge..." page 1, lines 17-19);

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automatically formatting a combined bill for the customer from the aggregated account charges (providing integrated customer care..., , page. 1, lines 21-22); and

automatically rendering the combined bill to the customer wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at least one of billers (feeding the bill data back to the customer..., page 1, lines 20-21 and page 2, lines 39-40) after the service provider acquires ownership of the receivables associated with the account data received (this step/feature is discussed in the next lines).

Saville does not explicitly disclose acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data. Official Notice is taken that it is old and well known within the financial services industry wherein a financial institution buys debts, such as bills, from other organizations. This is common in the mortgage market between the first and secondary markets. This is also used by companies who need cash and sell their account receivables (debts) to a financial institution or collection agency. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

acquire ownership of receivables. One would be motivated to acquire ownership of receivables in order to increase the flexibility of the financial solutions and to integrate all the steps of the billing process with the reception and control of the customer payments.

Claim 4: Saville discloses the method of claim 1. Saville also discloses wherein the account charge is calculated by a computer application ("....systems...", Page 3, line 29, and "...network....:"-connection of computers (Page 6, lines 16-20)).

Claim 9: Saville discloses the method of claim 1. Saville also discloses wherein one of the plurality of customer accounts comprises a wireless communications account, and a financial account (Page 1, lines 9-15).

Claim 10: Saville discloses the method of claim 9. Saville also discloses wherein the recurring bill account comprises an electric account (page 3, line 15).

Claim 11: Saville discloses the method of claim 9. Saville also discloses wherein the retail account comprises at least a credit card account ("Retail vendors", page 4, line 39).

Claim 12: Saville discloses the method of claim 9. Saville also discloses wherein the communications account comprises a long distance account, a local account, a wireless

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account, and an Internet access account (Page 3, lines 18 and 19).

Claim 13: Saville discloses the method of claim 9. Saville also discloses wherein the financial account comprises a bank statement account (page 4, line 38).

Claim 14: Saville discloses the method of claim 9. Saville also discloses wherein the cable services include pay television services (Page 3, line 19).

Claim 15: Saville discloses the method of claim 1, further comprising automatically formatting the account charges ("..AS/400...", page 3, lines 21-22).

Claim 16: Saville discloses the method of claim 15, further comprising transmitting the formatted account charges to a bill aggregator ("...transmitted...", page 4, line 10).

Claims 19-22: Saville discloses the method of claim 18. Saville also discloses wherein the usage charge is calculated according to a predefined usage pricing schedule, comprising automatically calculating a tax associated with the usage charge, and wherein the tax is automatically calculated according to a predefined usage charge tax schedule from the usage charge and the associated tax (Page 6, lines 3-5).

Claims 32- 35: Saville discloses method of claim 29. Saville also discloses wherein assembling further comprises

automatically calculating a discount associated with the assembled account charges, and wherein the discount is calculated according to a predefined discount schedule and, wherein assembling further comprises automatically calculating a rebate amount and a reward amount associated with the assembled account charges ("...and discounting...". page 2, lines 38-43).

Claim 38: Saville discloses a method for converging billing services from disparate industries as discussed above in claim 1. Saville also discloses wherein rendering comprises automatically storing the formatted bill for the customer in a storage location ("...immediately stored...", page 4, lines 13-15).

Claims 39, 51-53: Saville discloses a method and a system for converging billing services from disparate industries as discussed above in claims 38 and 50. Saville also discloses wherein the storage location, the aggregating means, the formatting means and the rendering means comprise a server ("...UNIX open system environments.." is a system architecture that uses servers, page 3, line 22).

Claims 40 and 41: Saville discloses a method and a system for converging billing services from disparate industries as discussed above in claim 38. Saville also discloses further comprising transmitting and displaying the formatted bill from

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the storage location to a customer's terminal (the "end service provider" has access to data through a terminal, page 4, lines 10-12).

Claims 54 and 55: Saville discloses a method and a system of combined billing for at least one customer on a plurality of customer accounts by a service provider, comprising:

entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a service provider electronically (electronic interfaces that in turn capture customers requests, page 1, line 18);

receiving the account data electronically from time-to-time during a billing cycle by the service provider from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider (capturing customer-generated events, page 1, lines 19-20);

storing the account data at a customer level in a computer database of the service provider (business systems based on relational databases, page 1, line 17);

automatically calculating account charges for the plurality of

customer accounts from the account data (calculating the bills, page 1, line 20);

aggregating account charges for at least one customer on a plurality of customer accounts and generating a combined bill for the customer from the aggregated account charges at a pre-determined cycle time for the customer's account (Combined power, light and telephone services, page 3, lines 13-17);

automatically formatting a combined bill for the customer from the aggregated account charges (providing integrated customer care..., page 1, lines 21-22); and

automatically rendering the combined bill to the customer as a debt of the customer to the service provider as owner of the receivable represented by the combined bill wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at least one of billers (feeding the bill data back to the customer..., page 1, lines 20-21 and page 2, lines 39-40) after the service provider acquires ownership of the receivables associated with the account data received (this step/feature is discussed in the next lines).

Saville does not explicitly disclose acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of

billers upon receipt of the account data. Official Notice is taken that it is old and well known within the financial services industry wherein a financial institution buys debts, such as bills, from other organizations. This is common in the mortgage market between the first and secondary markets. This is also used by companies who need cash and sell their account receivables (debts) to a financial institution or collection agency. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to acquire ownership of receivables. One would be motivated to acquire ownership of receivables in order to increase the flexibility of the financial solutions and to integrate all the steps of the billing process with the reception and control of the customer payments.

Also Saville does not explicitly disclose remitting payment for the receivables to the billers by the service provider under the contractual arrangement within a pre-determined period after receiving the account data. However, it is inherent that when a financial institution buys debts from an organization, the financial institution remits payment to the organization within a pre-determined period after receiving the account data when buys debts, such as bills, from other organizations.

Claims 56 and 57: Saville discloses a method and a system of combined billing for at least one customer on a plurality of customer accounts by a service provider, comprising:

entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a service provider electronically (electronic interfaces that in turn capture customers requests, page 1, line 18);

periodically ("...the customer's bill cycle...", page 4, lines 14 and 15) receiving the account data electronically during a billing cycle by the service provider from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider (capturing customer-generated events, page 1, lines 19-20);

storing the account data at a customer level in a computer database of the service provider (business systems based on relational databases, page 1, line 17);

automatically calculating account charges for the plurality of customer accounts from the account data (calculating the bills, page 1, line 20);

aggregating account charges for at least one customer on a plurality of customer

accounts and generating a combined bill for the customer from the aggregated account charges at a pre-determined cycle time for the customer's account (Combined power, light and telephone services, page 3, lines 13-17);

automatically formatting a combined bill for the customer from the aggregated account charges (providing integrated customer care..., page 1, lines 21-22); and

automatically rendering the combined bill to the customer as a debt of the customer to the service provider as owner of the receivable represented by the combined bill wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at least one of billers (feeding the bill data back to the customer..., page 1, lines 20-21 and page 2, lines 39-40) after the service provider acquires ownership of the receivables associated with the account data received (this step/feature is discussed in the next lines).

Saville does not explicitly disclose acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data. Official Notice is taken that it is old and well known within the financial services industry wherein a financial institution buys debts,

such as bills, from other organizations. This is common in the mortgage market between the first and secondary markets. This is also used by companies who need cash and sell their account receivables (debts) to a financial institution or collection agency. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to acquire ownership of receivables. One would be motivated to acquire ownership of receivables in order to increase the flexibility of the financial solutions and to integrate all the steps of the billing process with the reception and control of the customer payments.

Also Saville does not explicitly disclose remitting payment for the receivables to the billers by the service provider under the contractual arrangement within a pre-determined period after receiving the account data. However, it is inherent that when a financial institution buys debts from an organization, the financial institution remits payment to the organization within a pre-determined period after receiving the account data when buys debts, such as bills, from other organizations.

Claims 5, 6, 17, 18, 23-31, 36, 37 and 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saville

(Defining the Convergent Billing Marketplace, Spring 1997) in view of Smorodinsky (U.S. Patent No. 6,049,786).

Claims 5 and 6: Saville discloses a method for converging billing services from disparate industries as discussed above in claim 4. However, Saville does not specifically disclose wherein the computer application comprises a financial institution application, such as a bank.

Smorodinsky discloses such a step (Bank Net Accounts, Fig.5, 53b). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use computer applications of a financial institution, such as a bank. One would have been motivated to use computer applications of a financial institution, such as a bank, in order to facilitate the system implementation.

Claim 17 and 18: Saville discloses a method for converging billing services from disparate industries as discussed above in claim 1. However, Saville does not specifically disclose wherein the account data comprises usage data and automatically calculating a usage charge from the usage data. Smorodinsky discloses such a step (Col. 4, lines 7-9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use account data and automatically calculating a usage charge from

the usage data in the Saville's invention. One would have been motivated to include such steps in order to increase the revenue of the system.

Claims 23, 24 and 27: Saville discloses a method for converging billing services from disparate industries as discussed above in claims 1 and 26. However, Saville does not specifically disclose automatically validating the account data, wherein validating comprises automatically comparing the account data with predefined account data parameters and the account charges with predefined account parameters. Smorodinsky discloses such steps ("compare payments received with payments to be received", Fig. 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically validating the account data, wherein validating comprises automatically comparing the account data with predefined account data parameters and the account charges with predefined account parameters. One would have been motivated to use those steps in order to increase the system accuracy.

Claims 25 and 28: Saville discloses a method for converging billing services from disparate industries as discussed above in claims 24 and 27. However, Saville does not specifically disclose wherein validating comprises automatically

rejecting account data that falls outside the predefined account data parameters and account charges that fall outside the predefined account parameters. Smorodinsky discloses such a step ("confirm or reject, Fig. 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically reject account data that falls outside the predefined account data parameters and account charges that fall outside the predefined account parameters. One would have been motivated to use such steps in order to increase the accuracy of the validation step.

Claims 26, 29 and 36: Saville discloses a method for converging billing services from disparate industries as discussed above in claim 1. However, Saville does not specifically disclose wherein aggregating further comprises automatically validating the aggregated account charges and, automatically validating and assembling the account charges. Smorodinsky discloses such a step (Request/Response to Verify Biller's Account, Fig. 7, No. 15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically validate and assemble the account charges. One would have been motivated to automatically validate and assemble the account charges in order to minimize the data processing cost.

Claims 30 and 31 . Saville and Smorodinsky disclose a method for converging billing services from disparate industries as discussed above in claim 29. However, Saville does not specifically disclose wherein one of the account charges relates to a credit card account, wherein assembling comprises automatically calculating at least one selected from the group of a fee and a finance charge associated with the credit card account charge, and wherein assembling further comprises automatically calculating a credit card account payment due amount from the credit card account charge and at least one selected from the group of the fee and the finance charge. Official notice is taken that those steps are well known within the art and were in use in the credit card industry at the time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use those steps. One would have been motivated to include those steps in order to saving time and cost in the data processing.

Claim 37: Saville discloses a method for converging billing services from disparate industries as discussed above in claim 1. However, Saville does not specifically disclose wherein the formatted bill comprises an electronic mail message. Smorodinsky discloses such a step (Col. 2, lines 34-37).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the bill electronically in the Saville's invention. One would have been motivated to transmit the bill electronically in order to increase the speed and efficiency of the billing method.

Claims 42-48: Saville and Smorodinsky disclose a method for converging billing services from disparate industries as discussed above in claim 1. However, Saville does not specifically disclose transmitting, processing, or adjusting an inquiry, request, or order for the customer regarding at least one of a customer accounts or a recurring bill account. Official notice is taken that those steps are well known within the art and were in use in the billing services at the time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use those steps. One would have been motivated to include those steps in order to increase the service quality.

Claim 49: Saville discloses a method for converging billing services from disparate industries as discussed above in claim 1. However, Saville does not specifically disclose the customer paying the bill. Smorodinsky discloses such a step (Fig.8, 53c). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to include the customer paying the bill in the Saville's invention. One would have been motivated to include such a step in order to optimize the service quality through the integration of the payment procedure.

(11) Response to Argument

This is in response to appellant's brief on appeal filed on 06/14/2002. This answer is focused on the most relevant arguments of the appeal: issues 1 and 2.

Issue 1

Applicant's Representative states: "The Seville article neither teaches nor suggests a system and method for combined billing in which the service provider, upon receiving account data electronically from each of a plurality of billers from time-to-time under contractual arrangements, acquires ownership of the receivables, calculates and aggregates account charges, and formats and..." (Page 8, lines 26-30).

Examiner notes that refers to this issue in Final rejection, Page 3, lines 13-20, Paper No. 15), and that Seville discloses "...combined power, light and telephone services..." (Page 3, lines 13-17, and page 2, lines 8 and 9), and that "...The first challenge...." (Page 1, lines 21-22).. In

addition, Seville discloses "...feeling the bill data bank to the customer..." (Page 1, lines 20-21, and page 2, lines 39-40).

Examiner accepted that "Seville does not explicitly disclose acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements...." (Final Rejection, page 4, lines 1 and 2), and used Official Notes regarding this step, based on that "it is old and well known within the financial services industry wherein a financial institution buy debts, such as bills, from other organizations. This is common in the mortgage market between the first and secondary markets" (Final Rejection, Page 4, lines 3-5).

Finally, Applicant's Representative states: "Applicant agrees that is common in the mortgage market for mortgages to be sold between the first and secondary market and that companies needing cash" (Page 5, lines 17-19), but focused on the distinction "...from a simple purchase of debts by a financial institution, because in the present invention, at least one of the accounts is a recurring bill account..." (Page 10, lines 4-6). Examiner notes that Seville discloses buy debts, and that action is not limited to a one-spot and not limitation shows that this step in Seville can be object of recurring actions.

Thus, Seville discloses all the steps of claims 1 and 50.

Issue 2

Applicant's Representative argues that: "Smorodinsky is simple not capable of combined billing(Page 12, line 13).

Examiner notes that Smorodinsky (U.S. Patent No. 6,049,786, Electronic Bill Presentment and Payment System...) was cited on Final Rejection, (Paper No. 15, pages 1-15) as a secondary reference for dependents claims 5, 6, 17, 18, 23-31, 36, 37, and 42-49


Applicant's Representative states: "The Seville article in view of Smorodinsky neither teaches nor suggests a system and method for combined billing in which the service provider..." (Page 13, line 30-page 14, line 7).

Examiner notes that Smorodinsky in his invention of an Electronic Bill Presentment and Payment System (Fig. 5, Col. 2, lines 34-37, col. 4, lines 7-9, Fig. 7, and Fig. 8) discloses the steps and features that Seville does not explicitly disclose.

Thus, the combination the Seville and Smorodinsky discloses the claimed invention.

Respectfully submitted,

PRK


June 19, 2003


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